Appeal No 18 of 1895-96. (1)

Appellant-
Channappa Gonda

Respondents
1 Putte Gonda
2 Mr. Playfair.

Claim to portions of S. Nos 206 and 179 of Eggihalli in the Mudagere Taluk.

List of English papers.

(1) Deputy-Commr's report
(2) Official Memorandum
(3) Appeal petition
(4) Petition of Channappa Gonda & 20.9.95-alias

Being forwarded to the 1st Commissioner
15/1/96

Putte Gonda is reported to have died. His legal representative (brother & cheat) must be heard in a notice with regd A/D. Appl claims as per Board of 21-751 the appeal entered shall be struck off. Appl will be at liberty to file an application to have the suit restored on showing sufficient cause for his non-appearance within 12 months from the date of this order.

16/1/96

1894-95
(R.R.)

File No. 80-94
Serial No. 1-13

S.L — Appeal of Chenne Gowda
Ugginalli Mudigere
Taluk for claim Appeals
of Serial No. 206 and 209

P 7. 80-99

G. R. S. IX-5]

Previous references.

(1894-95)

191

(L. R.)

File No. 80-94.

Serial Nos. 1-13

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-13.

In ~~Part~~ B for June, 1900

SUBJECT.

Appeal of Cheruvegoda, Siggiahi, Innaiyan &c. for Claim to portions of S.Nos. 200 and 2g.

Annexed

W D 1250—GPB—30,000 28-1-19

(1)

Gen. Serial No. 32.]

1894/95

No. 238.

Name of Petitioner. Chandrappa Gowda Patel

Village. Gopalakalli, Gowribidanur Taluq

Taluk. Madgere

District. Kadur

Date of Arzi. 13-3-95

Date of Receipt. 19-3-95

Date of Disposal.

No. of Enclosures. 1

2 Rs Stamps affixed

ABSTRACT.

States that on the application Survey No. 83 in the above village measuring 153 acres 32 guntas was sub-divided into two nos. 83/207, and that in the sub-division this effected about 5 acres of land out of No. 83, 2 acres out of No. 207 were by mistake on the part of the measurer, included in the forest lands of that village No. 1 and 206, that at the time of the sub division there was recent vegetation growing on the land which made the boundary marks invisible. As the Assistant Superintendent of Gowribidanur Circle have not yet inspected the field

Submitted to the Collector.

Cf 1/4

Order appealed against received and 3/4/95

2 Rs Stamps affixed

6/4/95

Submitted 25-3-95 received with petition No. 3.

As the appellant appeals against the Amildar's order dated 6th Feb. 1894 with reference to the Rules of 1894, the matter can be treated as a 1893 case and finally disposed of as such it could not be passed.

The case is that on the resurvey of the coffee lands in 1886 portion of land in the Survey No. 83 was excluded from it that on the application of Mr. Beckleyfor, formerly part of this land was sold to Mr. Beckley, that though he showed the land to the Surveyor, when he came to measure it, that on appeal to the Assistant Commissioner he ordered the land to be measured, that the Surveyor measured the land and reported on 1-4-93 that the land could not be restored to the ryot, that the land was made up of 4 numbers, that the order had reference to land No. 210 and not to lands No. 83 and 207 which the ryot pressed his claim to, that on the ryot's application for restoring the land which should not have been taken from him, the Amildar enquired on the spot and found that the land in question was in the possession of the ryot from 1881 and that the Amildar therefore ordered the land to be restored to the ryot.

settled the matter and as the portions thereon above as excluded have now been notified for sale on application for the grant of the same on the 8th proximo, Petitioner prays that they may be restored to him &c.

P.T.O.

Valuing that the land is shortly for sale, to be held on 8th April

for open & fair Competition that such excision from the holding from the date of re-survey and that the boundaries & extent of the holding may be corrected.

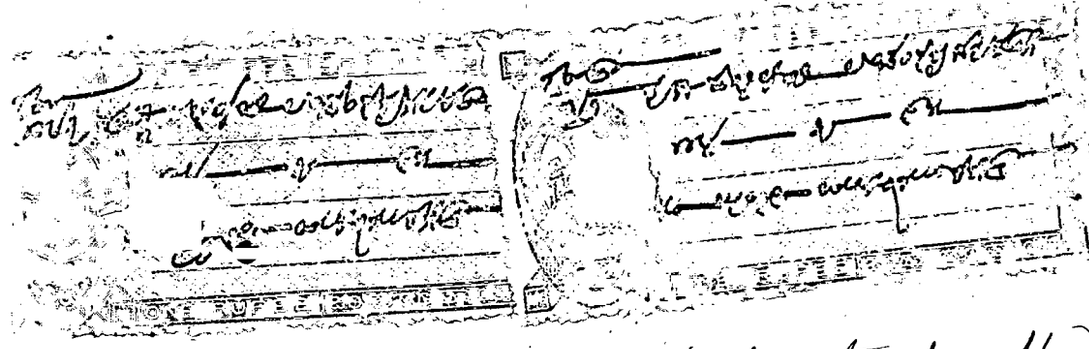
Stamp Office
In time - from the date of Com'r
Endorsement referred to above
~~Copy time of the~~
Counsel's fee. 1/ paid
Clerk of the re-sale -
Sold for rupees -

Copy a report
with the
plan

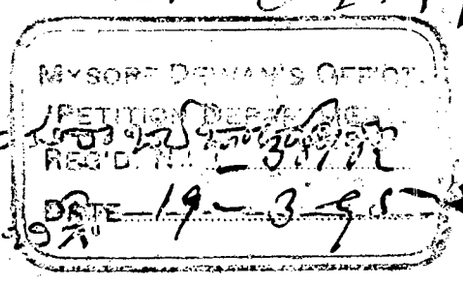
4/8/95

Dr to C
5/4/95

Dft
9-8-95



23rd 1913



A.D. 13th of 1895-96

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Pet 330 (2) 20-8-95 15-8-95

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT

LR 80-94-2

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition ~~330~~
Registered No. 233 dated 3-8-95
received at the Dewan's Office from Sirdar Chennappagouda of Boggekalli, Gowdiki Magani, Hadgeri Taluk, Radur Dist, praying against the Raiers of the Deputy Commissioner rejecting for sale about 13 acres of land which originally formed part of his survey No 183 but was subsequently included in the Comal land of the village when the above survey No 183 was in his application excluded did vide No 1818 29 and offering to pay the Pandayem of the said excluded pieces

is forwarded, together with its ~~two~~ one enclosure, to the Deputy Commissioner of Radur District for submission of the entire proceedings connected with the case together with a full report of the facts of the case and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

for Revenue Secretary.

Draft (Reg. Commissioner's order)
BANGALORE,
10-8-1895

10/8

9-8-95

M.G.C.P.B.—25-4-95—1,000

Ref. 2331 of 94-95 dtd 6.8.95
30/7. 318-95 - 6-8-95

1895

No. 1214

Name of Petitioner, Chinnappa Goundar

Village, Uppiliapalli

Taluk, Coimbatore

District, Coimbatore

Date of Arzi, 30-3-95

Date of Receipt, 24-5-95

Date of Disposal,

No. of Enclosure,

ABSTRACT.

Sahib & its Revenue

1249

Page 1

GOVT. OF INDIA'S OFFICE
PETITION DEPARTMENT.
REG'D. NO.

ಅಂಗಳದಲ್ಲಿ ಕುಳಿತು ಮಾತನಾಡುತ್ತಿದ್ದರು. ಅಲ್ಲಿಗೆ ಹೋಗಿ ಅವರ ಮಾತುಕತೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿದೆ. ಅವರು ಮಾತನಾಡುತ್ತಿದ್ದ ವಿಷಯ ಏನೆಂದು ಕೇಳಿದೆ. ಅವರು ಹೇಳಿದರು. ಅವರು ಮಾತನಾಡುತ್ತಿದ್ದ ವಿಷಯ ಅವರ ಮನೆಯ ಹಿಂದಿನ ಕಡೆಯಲ್ಲಿ ಇರುವ ಒಂದು ಮರದ ಬಗ್ಗೆ. ಆ ಮರ ಬಹಳ ಎತ್ತರವಾಗಿ ಬೆಳೆದಿತ್ತು. ಅದರ ಕೊಂಬೆಗಳು ಅಗಲವಾಗಿ ಹರಡಿಕೊಂಡಿದ್ದವು. ಆ ಮರದಲ್ಲಿ ಹಣ್ಣುಗಳು ಬಿಡುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಕುಳಿತುಕೊಳ್ಳುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಆಟವಾಡುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಓದುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಮಲಗುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಊಟ ಮಾಡುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಏನನ್ನೂ ಮಾಡುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರುತ್ತಿರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಲಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರುವುದಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಬಾರದು. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಕೂಡದು. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಲೇಬಾರದು. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಲೇಬೇಕು. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಲೇಬೇಕಾಗಿಲ್ಲ. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಲೇಬೇಕಾಗಿಲ್ಲವೆಂದು ಅವರು ಹೇಳಿದರು. ಆ ಮರದ ಕೆಳಗೆ ಯಾರೂ ಇರಲೇಬೇಕಾಗಿಲ್ಲವೆಂದು ಅವರು ಹೇಳಿದ್

LR 80-9/4-4

Sent 2 notices with reference to this note & main subject 1.2 2381.

Sent 2nd Reminder 4-3-95

Submitted annual comm & enclosures 12/12/95

13-12-95

Date noted in the Register Book and Index

Letter(s) & file listed

Policed to 16th January 96.

(4)

REVENUE DEPARTMENT
DEWAN'S OFFICE
SEP 1896

Gen. Serial No. 3147. 1896. 2704

From The Deputy Commissioner Badulla

To The Revenue Secretary to the Government of Ceylon

Dated 17th September 95
Despatched 17th September 95
Received

Enclosures No. 2 & 2 Sketches & Survey Report

General No. 2440 / 1895-96
No.

Reporting on the petition from Patté Chinnamalawaia of Elgyhaili, Mudaliar Eastern, praying against the report of Commissioners reserving for sale about 5 acres of land which originally formed part of this Survey No 158 but was subsequently included in the general lands of the village.

Rec'd 21-9-95.
Rep'd

No 2 of enclosures returned to Badulla

assessment fixed at the settlement.

5. In 1892-93, the appellant made another petition to the effect that as promised in the above endorsement, and at the subsequent annual jamabandi occasions, his land was neither inspected nor were the portions unknowingly excluded by the Mozinidars re-added to the lands in his enjoyment. He was thereupon given endorsements to the effect that the resurvey settlement having taken place as far back as 1886, no complaints in respect of the same could be heard, he having been personally present at the settlement.

6. The accompanying survey map shows the 2 pieces of lands marked A and B in dispute and which the appellant desires to be added to his Khata lands. Of these, B, measuring 6 acres according to Kacha measurement out of coffee Kharab survey no 206 Uggihalli village, has been sold to one Puttegowda for Rs 125/, i.e., Rs 65/ over and above the upset price amount according to coffee Rules. The auction was held on 8th April 1895, but the

land has not yet been put in the possession of the purchaser Puttegowda as it awaits the pakka re-survey.

As regards the other piece marked A, I beg to state that Mr. Playfair of the Angadi Estate applied for survey No 179 gomal in the Uggihalli village. The ryots objected to the grant of the same. The appellant then put forward his claim for about 8 acres (marked A) of land out of it under an old coffee patta, &c, and prayed that that portion should be given to him. On my personal inspection I found that a large portion of this survey number was thick scrub jungle and quite unfit for grazing cattle and that the appellant's claim thereto on the ground that it had been wrongly cut off from his land No 181 had already been settled, and I ordered that only a portion, claimed by the appellant and marked 'A' in pencil on the survey map, might be marked

off

Deputy Commissioners Office
Madura District
Chittoor the 7th September 1897.

From

The Deputy Commissioner
Madura District

To

The Revenue Secretary to the
Government of Mysore

Sir

In reply to your official memo No
330 dated 10th ultimo, forwarding for
report petition, registered No 235 dated
13th March 1895 from one Channaya,
Gowda of Siggisahli, Gunbede Magani
Midigere Taluk, appealing against my
order notifying for sale about 13 acres
of land which originally formed part
of survey No 183 but was subsequently
included in the general lands of the village
when the above survey No 183 was, on
his application, subdivided into Nos 8
and 207, and offering to pay the Kandā-
yam of the said entire piece, I have
the honour to state that the facts of the
case are as follow:-

Prior to the settlement in 1892,
survey No 183, measuring an area of
153 acres and 2 guntas, was in the name
of the appellant. The settlement of the

coffee lands in the Yagabalii village in ——— which the lands in question was situated, took place on 15th March 1892 when the village belonged to the Kaccau District. In the collected it was fixed that the land should be assessed at one rupee per acre, that full assessment should be levied after five years gardens (i.e. 50 acres out of the land were under cultivation), and that the planters wanted the land to be divided into two numbers. For particulars, this original Coffee Settlement register is submitted.

2. Prior to 1895, the above survey No 153 was resurveyed as required by the appellant and divided into 3 numbers as follows:—

181	—	106-28
206	—	31-27
207	—	15-17
Total		153-32

Note During resurvey original No. 155 was made into No. 81, by which a change in the survey number was effected in not entering from the Survey Settlement register. On the 12th March

LR 80-74-5

Draft Ord. & approved

(26) p (5)

Proceedings of the Govt of Mysore

Read—

(1) Petition No 2381 dated 13th March 1895 from Channappa Gauda Patel of Yeggihalli, Mudgere Taluk, complaining of the rejection of his claim to two pieces of coffee land said to have been excluded from his holding at the Survey & Settlement.

(2) Petition No 1249 dated 20th September 1895 from Do submitting a letter said to have been addressed to him by Mr. Playfair of the Angadi Estate who had made an application for one of the two pieces.

(3) Letter No 240 dated 17th Sept. 1895 reporting on the complaint of Petitioner & submitting the records of the case.

II. The facts of the case are:—

1) The Coffee garden held by petitioner Channappa Gowda under ~~the Chief Commr~~ Puttas granted by ~~the Chief~~ Commr in 1863 & 1868, and consisting of the pieces called Kallâli Talk, Tarenmaradu Talk, Dod Eduve and Dod Eduve Talk, was, at the Survey and Settlement in 1881-82, given Survey No 183, and its extent, as recorded in the Settlement papers of that year, was 153-32 acres gunta. At the Pahani held in 1881 prior to the Survey Settlement, the petitioner intended to give up about 53-32 a. g. of land on the ground that it consisted of Kharab, but he agreed to the final results of the Settlement, under which 10-23 out of 153-32 ac: g. was treated as Kharab, and the entire number was assessed at Rs 143, to be paid fully, as in the case of ~~Europeans~~ gardens held by [illegible], from the year of Settlement. At the Settlement, petitioner prayed for the ~~division~~ sub-division of the land ~~into two numbers~~ and in pursuance of this request

1886 when the preliminary settlement took place, the applicant Clancy was ignored, the previously attended the settlement, retained survey no: 5 and 207 am, resigned the letter, and which was consequently, returned to government the original survey papers of 1886.

5. In April 1886, the applicant complained before the then deputy commissioner, Mr Meitzepirie, about the inconsistencies or otherwise of the measurement he got the numbers above alluded to.

Note The particulars of the claim are not available on record as the original petition was returned to the applicant with an endorsement, the impugned opinion is given in the following para.

4 The applicant wrote on 5th April 1886 given an endorsement to the effect that he (the deputy Commissioner) would look into the state of survey no: 5 when he next visited that side and that no change could be made in the

off by the measurer and register submitted to me for submission to Government for final sanction.

8. It is reported that there are some old county coffee plants, orange trees, &c, on land marked A and B, and that they are being yearly robbed by annual collectors until there. The appellant being generally the purchaser of all such miscellaneous items in the village the enjoyment having their sale proceeds to Government. This sort of enjoyment alone does not give him any kind of right title or interest in the land in question.

9. The appellant is an influential and literate Native proceeding a large extent opened in the Mudigere Taluk. At the time of resurvey the ryotwars to have voluntarily included certain portions of his old patta and which he then considered unacceptable, but has subsequently found them thereof and now urges his claim to them. His personal attendance at the time of the Resurvey Settlement in 1886 and his statement to retain them may

(20)

proceedings show, however, that the trench referred to in the Original Patta as the Eastern boundary of the Doddaveerajah ~~Estate~~ is on the borders of this piece of land, that there are old Coffee and other trees on the land, and that the land bears no traces of recent cultivation. It is also shown that petitioner was taking the produce of these trees subsequent to the Settlement of 1881-82, but it is explained that he did so, as the purchaser of the right of Govt to the fruit of trees on Government waste lands and not as proprietor.

(3) S. No 179, Sonal, in which the aforesaid piece of land is included, consists of 41-26 a. g.

In Novr 1894 Mr E. M. Playfair of the Angadi Estate applied for the entire number 179 under the Coffee Rules. In the course of investigation made thereon, the petitioner asserted his claim to the piece of land in question and the villagers objected to the other portion

of the number being given out for cultivation on the ground that out of the marginally noted four lands allowed for gomal, No 77 which is on the other side of the Hemavati cannot be resorted to during the rainy season and No 183 is a steep hill difficult of access to village cattle, and that the cattle depended mainly on lands Nos 179 and 173 for their pasture. The Amildar on personal inspection found the objections of the villagers to be valid and reported to the Dy. Commr. on 28th Feby 95 that the village cattle would be put to inconvenience if the land applied for was granted for cultivation. The Deputy Commr thereupon held, on 2d April 1895, that the whole of Survey No 179 applied for by Mr Playfair could not be granted and enquired whether the piece claimed by Petitioner Channappa Gowda could not be sold

	Acrs.	Guntas
No 77 -	73 -	15
173.	24 -	22
179 -	41 -	26
183 -	48 .	38

Here make 66. 2. 8
No of cattle 242 -

18. and to assign such as sufficient proof to show that he was fully aware of the land he got specified by the Act. However under these circumstances I am of opinion that there are not sufficient grounds to interfere with the assessment which was duly according to recognised measurements though the River of Islands under dispute may fall within the boundaries mentioned in the old entire Patta.

10 The appeal petition with its enclosures is herewith returned and I recommend, according as the Petitioner submitted as called for the record and final return when they are no longer required.

I have the honor to be

Sir

Your most obedient servant

Deputy Commissioner

Kadur District

(1) No 131 — Coffee land A – 9 — 106 – 23 — Assessment Rs 106 – 12 —

(2) No 25 — Coffee land 11 – 33 — Assessment 11 – 12 —
Waizaval 3 – 24 — 1 – – —
15 – 17 — 12 – 12 –

(3) No 206 Kharab 31 – 27 – not assessed.

the land was divided into three numbers as noted in the margin, and at the Survey and Settlement made in March 1886, Petitioner agreed to keep Nos 131 and 206 of the aggregate extent of ac. 8. 122 – 5, assessed at Rs 119 – 8. Petitioner has since been paying the assessment of these two numbers. He urges that while he never relinquished any portion of cultivated land, a piece of land to the east of No 131, measuring about 3 acres and containing old coffee and other trees planted by him, had been excluded from his holding at the Survey, and included in No 179 (Grant); that another piece to the South-west of No 131, measuring about 6 acres and containing old coffee and other trees, had likewise been separated from his holding and included in the Kharab, No 206; that notwithstanding such exclusion the two pieces have continued to be in his possession and enjoyment; that he discovered

(34)

forfeit the amount deposited by him. Thereupon Putte Gowda agreed to take up 6 acres and this piece was ordered to be sold. Petitioner Channappa Gowda urged his claim to it when the proclamation of sale was issued, but the claim was not admitted, and the piece was sold on 8th April 1895, for Rs 125 to one Rasool Sab on behalf of the applicant Putte Gowda. The sale was confirmed on 31st May 1895, (to have effect from 1895-96, and possession was ordered to be given after survey and demarcation by the Mojanidar. The proceedings do not show that possession was given. Putte Gowda is reported to have since died.

(7) The petitioner Channappa Gowda offers to pay arrears of assessment on the pieces claimed by him from the date of resurvey and settlement

III

No. 6818 / ~~Order No.~~ 1355 P.

Dated Bangalore, the 26th/31st January 1896.

Having

(35)

Having regard to the circumstances brought to notice in the report of the Amildar No 960 of 28th Feby 1895 and to the admitted fact that all but the portion claimed by petitioner in Survey No 179 is not fit for coffee cultivation, the Govt are not at present prepared to sanction the appropriation of the portion of No 179 situate outside the trench referred to, for coffee cultivation.

This para is not for consideration as it is a translation of the Amildar's letter of

2. As regards the piece of land situated between No 181 and the trench, ~~and claimed by petitioner~~, the Government observe that ~~he has not any right to it, as at the latest~~ ~~recent~~ of 1881-82, he took up only the extent ~~measured~~ into the then No ~~183~~ and failed to ~~urge his objections till 1886~~. ~~Having regard however to the circumstances of the case~~, the Govt are pleased to sanction the grant of the said piece of land to

the vicinity for the first time at the time of the resurvey and addressed a petition to the Dy: Commr; that in reply he received an Endorsement dated 20th April 1886 from the Deputy Commr (Mr. Wallace Johnson), stating that he would inspect the land when he next visited that locality; that though the Petitioner showed the Endorsement to the Jamabandy Officers of subsequent years and presented petitions in 1890 & 1892, the matter had not been duly investigated; and that, in the meantime Darkhasts made by others for the pieces in question had been entertained

(2) The exclusion of the land to the east of No 131 was made at the Settlement of 1881, and the explanation given by petitioner for the delay in complaining of it, viz: that the land was overgrown with jungle & is not altogether satisfactory. The proceedings

without interference with the grazing rights. The Auditor stated there was no objection to the sale of that piece, and the sale of it was accordingly ordered on 30th April 1895. While the papers were with the Mojaundar for the demarcation and measurement of the piece in question, the deputy Commissioner inspected the land S. No 179 in July 1895 and observing that a large portion of the grass was thick scrub jungle in which it was quite impossible to graze cattle, ordered the Mojaundar to measure off the portion pointed out by him. The extent of this portion has not been ascertained and no application has been made to Govt for sanction to appropriate it for purposes of cultivation.

(4) In the Financial Memorandum dated 5th Dec. 1894, Mr Fraser states that a piece measuring 8 acres and adjoining S. No 181 is alone fit for coffee

LR 80-94-7

Proceedings of the Govt of Mysore

(7)

(38)

Read again: —

Govt Proceedings No 6818/P1355 dated 26th January 1896 disposing of the claim of Channappa Gowda of Uggihalli, Mudgere Taluk, to a piece of Coffee land to the east of S. No 181, forming part of S. No 179 in Uggihalli, and postponing the disposal of his claim to another piece to the South-west of S. No 181, forming part of No 206, till the hearing of the legal representative of Puttegowda, the deceased purchaser of the said land.

Read also

(1) Telegram dated 13th February 96 from Bhaira Gowda, brother of Puttegowda, praying that orders may be passed on perusal of records.

(2) Petition No 2910 dated 17th February 96 from Channappa Gowda stating that on account of sickness he was unable to appear

on the date of hearing.

(39)

Decision of Government — No. 7766 / P.1554 & 2/3 dated 26.2.96.

Neither the appellant nor the Respondent appeared at the time of hearing.

2. The 6 acres in dispute forming part of S. No 206 — assigned by appellant — having been ~~duly~~ sold, and the sale having been duly confirmed by the Deputy Commr, and the property itself having vested in the deceased Dulle Gowda's legal representative, the Government decline to interfere with the sale. This appeal is, therefore, dismissed

~~Draft~~ Draft
C, & 2

HGh 20/2
for Secretary

Draft Submitted for approval to the 1st Councillor.
HGh 20/2/96

To
The Dy Commr
Kadur Distt with records.

× will follow Sent by parcel today 3/3/96
Kadur

SV

ned 2/3

cultivation and that the rest of it is open hilly ground without many trees, fit for pasture (Mullu kara). The scrub jungle was apparently not so thick in December as in July.

(5) Mr Playfair was served with notice of the date fixed for the hearing of this appeal but he did not appear. He states that he applied for Govt land in the ordinary way, that it was not granted to him and he cannot see why he is asked to appear, and that he is busy picking his crop.

(6) As regards the piece of land to the South west of No 181 - One Saitu Goonda applied for a piece of land of which 4 acres were found to be in S No 206, and 2 acres in No 207 which is in petitioner's holding. He stated that if only the extent of 4 acres in No 206, fit for coffee cultivation, could not be granted to him, his application might be struck off, but the Assistant ordered that he should either apply for an area not less than 5 acres in No 206 or

petitioner's in payment—

(1) of value, at the rate of Rs 20-13-4 per acre, the rate at which six acres of land to the south-west of No 131 was sold at public auction to Pattajonda on 8th April 1895, and

(2) of arrears of assessment from the date of resettlement, 1st March 1886.

3. The Deputy Commissioner is requested to have the exact extent ascertained as early as practicable and determine the amount to be paid by petitioner. The amount of deposit paid by Mr Play in excess will be refunded to him.

4. In regard to petitioner's claim to the piece of land to the south-west of No 131, a notice will be issued to the legal representative of Pattajonda.

Asst. Secretary.

To Petitioner: Under date of receipt.
Subordinate Officer.

26.1.96

In regard to this petition, Pattajonda has to pay arrears of assessment (Rs 1-8-0) on account of fresh settlement (Rs 1-9-0) which was sanctioned from the 1st April 1895. In the application dated 17-8-95 it was stated that the settlement will be current from date of "Settlement" this may mean the fresh settlement or expired settlement.

1 March
Petitioner
to be informed
Date 1 pm
Pattajonda
1881 Rs

21/1/96

Case No
Copy delivered
to petitioner
Date

21/1/96

(8)

Draft.

for Rev: Secretary

Draft.

for Secretary.

S.V.
24/2.

(42)

LR 80-04-6

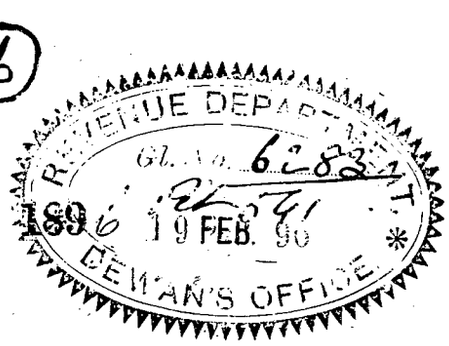
Petition Council

RD

19/2/96

(6)

Gen. 31.]



He encloses Lands on a Petition filed in Land Court

RD
24/2

Read
25/2

From The Deputy Commissioner Gradient District

To The Secretary to the Government General and Revenue Dept

Dated 17th

Despatched 18 February

Received

General No. 5415-96
No. 1/30/95-96

Enclosure No. "

With reference to the Government Proceedings No. 80.04 Ref 1365 dated 27th Decr, regarding the orders on the Petition of Channapiragada of Tiggisali, regarding 2 Tiers of Land, said to have been excised from his holding at the time of Settlement, that instead of the Tiers, Citizens of the Vernacular Papers, submitted with the office No. 247 dated 7th September 1895.

I have the honour to be,
Sir,
Your most obedient Servant
Deputy Commissioner
Gradient District

RD

(8)

20-ವಾಂಡೆ
2-3-96

ನೋಂದಣಿ
2381 ನೇ
18

ಸಿವಿ ನಂ-94-5

ಸಂಖ್ಯೆ: ಕೆಇಆರ್‌ಸಿ/ಜಾ.ವಿ.ನಿ/ಎಸ್‌ಎಸ್‌ಆರ್/2013-14/

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.04.2013

ಅಧಿಸೂಚನೆ

ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗವು ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ಕಾಯಿದೆ, 2003 (ಕೇಂದ್ರ ಕಾಯಿದೆ 36/2003) ರ ಕಲಂ 86(1)(ಎಫ್) ರಡಿಯಲ್ಲಿ ಪರವಾನಗಿದಾರರು ಮತ್ತು ಜನರೇಟಿಂಗ್ ಕಂಪನಿಗಳಿಂದ ಪಡೆಯಲಾದ ಪ್ರಸ್ತಾವನೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಮತ್ತು ಸಾರ್ವಜನಿಕರ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಆಲಿಸಿ ಹಾಗೂ ಪರಿಗಣಿಸಿ ಈ ಕೆಳಕಂಡ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿದೆ.

LR 80-94-9

Deputy Commissioner's Office
Kadur District
Camp 16th April 1900
Kalkatti.

No:

From

F. E. C. Carr. Esquire
Deputy Commissioner,
Kadur Dist.t

To. The Secretary to the
Government of Mysore
General and Revl Depts.

Sir,

Adverting to Government
Order No 6818/Per 1355 of the 27th January
1896 Sanctioning the grant of a
piece of Coffee land out of Gomal
Survey No: 179 in the Yggibabi Village
of the Mudgere Taluk to the claimant
Chennappa Gowda, Patel of the said
village, on payment of the value at
Rs 20. 13. 4 per acre together with the

Submitted to 2nd Councillor

27.4.00

The Land in question was granted u/s 18 to Bhemappa Sowda on condition of his paying upset price + arrears of assessment from year of settlement. As Bhemappa Sowda has failed to pay the amount due by him, the Land has been sold by public auction to the Plaintiff for Rs 211. The D Commr solicits the confirmation of the sale by Govt.

The upset price fixed to be paid by Bhemappa Sowda was Rs 375-8-4. but the Land not been realized for 4 years. The D Commr solicits early orders

Thy 30/4/00

Rotton.
30.4.900.

The extent has been found little more than what it was when offered to Bhemappa Sowda - the rate then offered was 20-13-4 per acre

23/4/00

75.

(9) Urgent 6837

1899-1900 P. 2332

From The Dy. Commissioner
Kadur District

To The Secretary to the Government of Mysore
General & Revenue Department

Dated 16th April 1900

Despatched 17/4

Received

General No. Confl No 39
No.

Enclosure No. 1 Karnam Car file.

Soliciting orders of Govt as regards the disposal of 2 acres and 4 guntas of land out of Gomal S. No 179 of the Jaggihalli village in the Mudgere Taluk.

20.4.00

Please submit.

Respectfully submitted.
25/4/00

Read 6-30 P.M 25/4.

25/4/00

(L17)

to notify the same to him, and to have the land formed into a separate number, after receiving the amount if Chennappa Gowda choose to pay.

2. Accordingly on 26th January 1897, the Amildar issued a notice to Chennappa Gowda giving him 10 days' time from the date of service of the said notice on him, and stating that if he failed to pay the amount within the time allowed, he would not get the land in question. On the 5th February 1897, the notice was served on Chennappa Gowda who endorsed on it that he had read it, and taken a copy thereof, and requested that he might be given 6 months' time for the payment of the amount as he was unable to pay it together with the assessment

and the interest realized is much less. The cause for this variation has not been explained. The result was probably due to an impression that the land is open to dispute by Chemaphon Sowda. It is however evident that he has failed to avail himself of the offer made in his favour by Govt and he has no longer any right for equitable consideration on the part of Govt. His claim to the land have been thus set aside it is ordered be proclaimed that the land will be sold free from all incumbrances. The sale when the land was visited in doubts & errors with regard of delegation by Chemaphon Sowda cannot be confirmed.

Whatever the Rte Hon
is willing to buy the
land ~~from the Town~~
at the rate offered
by them subject
to their approval
the detailed procedure
of another sale by
public auction may
be dispensed with
and under the
present circs
this case the sale to Mr S. Clapham at that rate
may be confirmed
~~by Council~~

11/5/00 (Clerk)

Print
Inclosed
Draft

Instruction
Urgent file no. L 5.00
Prov. Draftsman
[illegible]
3.5.00

(50)

and that Mr. Playfair, a former applicant was absent from his estate. This report of the Sheikdar reached the Amildar on 8th October 1899, and no further steps appear to have been taken for upwards of 17 months, viz, up to 19th March 1899, when the Amildar sent an order to the Sheikdar to report if Mr. Playfair who, he (Amildar) presumed, had returned to India, wished to go in for the land in question.

7. In the meanwhile, Dyvappa Gowda, son of Chennappa Gowda who is not on good terms with the former, presented a petition to the Amildar on, 3rd November 1899, stating that on purpose to defraud him, his father failed to pay the amount in question, and that if he was given the option of paying the same, he would pay it in 2 instalments within

If Mr. Playfair wishes what I can do to me on a former occasion with my plants. so last in

within a period of 6 months. The Amildar informed him that if he paid at once Rs 738-14-4 as specified in the margin the land might be given to him; in default and on others applying for it he could not get it.

1. Value for 18 acres 1 Gunta	Rs 375-8-4	
2. Assessment - or up to the end of 1899-1900	Rs 342-0-0	
3. Local Cess	Rs 21-6-0	
	Total Rs 738-14-4	

8. On the 4th December 1899, Mr. Playfair renewed his application and remitted Rs 45/- on account of deposit for the land. After going through the records, my predecessor Mr. Venkatverdiengar directed the Amildar to issue a notice to Chennappa Gowda giving him 15 days' time to pay the amount due by him, and stating that if he failed to do so, the land would be measured off into a separate number and disposed of according to

for 1896-97 which then fell due from him. The Amildar was thereupon directed (Order No: 859 of the 25th February 1897) to issue another notice giving him time, and stating that if Channaya Gowda failed to pay the amount, he would lose the land.

3. Accordingly a second notice was served upon him on 21st March 1897 to which he replied that he was trying to meet the demand and requested further time. Mr. Weir, the then Deputy Commissioner, extended the time for payment till the 1st June 1897 and stated (Order No: 1148 of the 3rd May 1897) that if he did not pay then, the land would be held at the disposal of Government.

4. A 3rd notice was, on these lines, served on Channaya Gowda on 3rd June 1897 and he recapitulated

what he had stated on former
notices. Mr Weir thereupon directed
the Amildar (Order No: 807 - 2nd July 1897)
on 2nd July 1897 to report if there were
any applicants for the land
5. The purport of the above order was
notified to Chennappa Gowda.
6. Again for the 4th time on 28th September
1897 Chennappa Gowda stated in
writing that on the 24th July 1897 he
had, in part payment of the amount
due from him, sent Rs 100/- to the
Amildar who returned it stating
that it should be kept by him * * * (Chennappa Gowda) pending orders.
He also added that he kept the
amount with him, and requested
permission to pay what he had
just then, and the remainder
in instalments. The Sheristadar
reported to the Amildar that nobody
was willing to apply for the land,

NB: There is no evidence beyond Chennappa Gowda's statement - B. K.

Coffee rules. The Ruling was also ordered, that in case Chemagga Gowda failed to pay the amount and take possession of the land, it might be sold by public auction after pakka measurment. (Vide order No: 223 of the 11th December 1899).

9. A notice was again (5th time) served upon Chemagga Gowda on the 14th December 1899 but he failed to pay any part of the amount due. Consequently a pakka measurment of the land was made, and the Coreet area was found to be 21 acres and 4 guntas.

10. A notice for the sale of 21 acres and 4 guntas by public auction was accordingly published. Chemagga Gowda and his son Dyavappa Gowda to whom the intended sale was made known, refused to attest

Their signatures to the notice stating that they had an appeal before Government. The sale however took place on the 9th March 1900 and Mr. Playfair being the only bidder, the land was knocked down to him for the upset-price viz - Rs 211/- Having already paid Rs 45/- with his application, Mr. Playfair paid the remainder, viz, Rs 166/ in time, and the Amildar submitted the sale records for confirmation. Mr. Playfair in his letter of the 13th April 1900 also urged vi the necessity of the sale being confirmed without further delay.

11. Thus it will be seen that Chennappa Gowda has had 5 notices served on him at various times during the last 4 years but has failed to pay up.

12. Channappa Gowda having failed to pay after repeated Concessions of time, I would recommend that (a) the grant by Government to him of the land may be Cancelled and (b) the present Sale may be confirmed at once to Mr. Playfair

13. Mr. Playfair asks that the matter may be settled with as little delay as possible and I therefore venture to mark the case "urgent" and would request Government to kindly pass their decision as early as possible.

14. The Vernacular papers enclosed with the Amildar's No. 439 of the 27th March

March 1910 are herewith forwarded for reference and obliging return.

I have the honor to be,

Sir,

Your most obedient Servant.

P. C. Carr

Deputy Commissioner

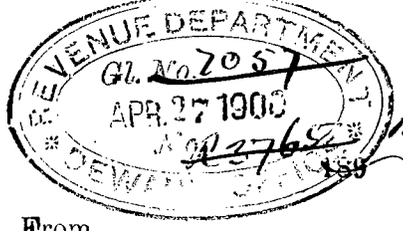
Kadur District

Ld 30-4-00

Sub 2 & 2nd Councillor with the papers relating to the Land Sdn & 2nd Playfair

Thy 30/4/00

R 7 pm.
30.4.900.



Gl. No. 2057
No. 2764 of 1900
Ref. 355
(10)

From
The Dy. Commr.,
Hadur District.

To
THE SECY TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 24/4/00.

Despatched

Received

General No.
No.

Enclosure No. 2.

Stating that the Amildar of Tarikere is willing to go to neither place but to Gubbi and furnishing information as the land in question is situated in Hoggalalli village & enclosing a letter from Mr. Playfair &c.

References to be marked.

Petitr
Please look up the refce. Civil No. 6837 of 1899 & 3643 of 1900.
HS
30/4/00.

The papers referred to in the margl. note is to be submitted to the 2nd Councillor to day.

AH
30/4/900.

This is transmitted for the orders of the Hon'ble the Chief Secretary to Government, Revenue Department.

Bangalore, 30th April 1900.

Kalkutta
24-2-00.

Dear Sir

Mr Srinivasiengar
requests that I will write to
you about Ananthanarayan
Ayyar's petition was
sitting up to Monday or
to Saturday. I enclose
his testimonials copy.
He requests that I
write plain letter.

Regarding the Stan
Medicine Co - a letter from
Mr Taylor should be

this bring the clearing
fitting Lesson — may I again
trust this confirmation may
be by wire.

Yours sincerely
F. C. Carr.

DC. Kabra.

To
L. Anantaraman Esq. by
Bll.
Under Secy. to Govt.

case had not received consideration. My predecessor advised the Land to fix at 4/- per acre (Chancellor Sowden having failed to keep up the amount due to Govt. although he has been given 4 years) which was knocked down to 2/- per acre by Mr Playfair. Chancellor Sowden has been given every concession & I would therefore request Govt to confirm the sale, as Mr Playfair is going to cause inconvenience

MOODIGERE,
KADUR DISTRICT,
MYSORE STATE.

20. April

To F. C. Cam Esq
Deputy Comm

Dear Sir -

I have to thank you for your letter No. 1347. dated 16th Apl. Regarding the land in question Survey No. 17a Aggihalli village there seems to me to be some misapprehension -

1. The land never did belong to Chennappiah Gowda.
2. Being Govt land I applied for it having been told I can that you cannot sanction the sale, I am put to great inconvenience thereby.

As far as the case is explained to me on a former occasion Chennappiah Gowda claimed the land - his claim was so far considered that he was to have the land if he paid up back tax - having failed the land is still the property of Govt Therefore why can I not have it? Surely 4 years is enough time to allow in payment of tax seeing that I was obliged to withdraw my previous duskast as Chennappiah Gowda expressed his intention of paying & claiming.

I would however manage to do a clearing if you could arrange for the sanction by wire - I can't now purchase other land - & without this what can I do with my plants - so late in

(66)

land should be held at the disposal of Govt. if the payment was not made within that date; that he failed to pay even any portion of the amount in spite of 5 notices issued to him, the last being on 14.12.1899; that a Paikka measurement of the land was then made which disclosed the extent to be 21 acres and 4 gunthas; that the land was then directed to be sold by public auction, that at the sale held on 9.3.00, the land was knocked down to Mr. Playfair the only bidder for Rs 21/- and that the whole amount had been recovered from Mr. Playfair in time; and recommending that the grant

grant of the land by
Govt to Channappa
gowda as per Pro: read (67)
above, may be cancelled
and the rate to Rs
Play pair confirmed at
without delay.

Order thereon R. 1831-8
P.P. 80-95 dt 3.5.00.

The extent of the
land in question has
been found to be more
than what it was when
offered to Channappa
gowda. The rate
then offered was Rs.
20-13-4 per acre and
the rate now realised
is much less. The cause
for this variation has
not been explained. The
result was probably
due to an impression
that the land is open
to dispute by Channappa
gowda. It is, however
evident

its year.

I am
dear Sir
your obedt. servant
Saml Kayser

well Janardhan, why do you run in that narrow lane?

V.V.- My dear dear ram in that st. and I must go after it. I must catch it.

J. It escaped and you are running after it in vain.

(11)

(70)

1899-1900

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 3rd May 1900

No. 7831-8 / P. F. 80-99

Setting aside the claim of Channappagauda of Uggihalli, Mudgere Taluk, to the piece of coffee land to the east of S. No. 181 and forming part of S. No. 179 in the said village and confirming the sale thereof to Mr. Playfair on condition of his paying at the rate of Rs. 20-13-4 per acre, being the rate at which the said land was offered to Channappagauda.

SBP—16-5-1900—200.

(11) LR No: 94-11

Proceedings of the Govt of Mysore.

Read again.

Para 2 of the Govt Proceedings No 6845 P. 1335 dated 26.1.1896, directing the grant of coffee the piece of land to the east of S. No 181 and forming part of S. No 179 of Iggihalli village in the Mudgere Taluk, to one Chennappa gauda of the above village, on condition of his paying the value thereof at the rate of Rs 20-13-4 per acre, together with the arrears of assessment thereon from 1881-82, the date of first settlement.

Issue in manuscript & print afterwards
by B/5/97

Read:-

Letter No 939

Letter No 39 dated
16.4.00 ~~addressed to the Collector~~
~~dated 24.3.00~~, from the Deputy
Commissioner, Kadur, ~~Dt~~ (a) [illegible] Ltr dt
reporting that the
Kacha measurement
of the land in question
made in December 1896
showed the extent to be
18 acres and 1 gunta; that
a sum of Rs 681-8-4 as (1)
per margin was directed (2)
to be recovered from the
said Channappegowda;
that a notice was issued (3)
by the Amildar on 26.1.97
to him for the payment
of the amount within 10
days; that, on the request
of the said Channappe
gowda, ~~Simmathirtha~~
was then ~~appointed~~ for
~~the purpose of the amount~~;
that the time was subse-
quently extended to
the end of June 1897, with
strict orders that the

(1) Value at Rs 20-13-4 per acre on 18 acres + 1 gunta } Rs. as. p.
(2) Arrear of rent for 16 years from 1881-82 upto the end of 1896-97 } 375-8-4
(3) Local fees ——— 288-0-0
18-0-0
Total Rs. 681-8-4

Forbd to Govt Counsellor

R.R. 80-94-12 (12)

REVENUE DEPARTMENT
Gl. No. 770
MAY 21 1900
No. 1809 — 1900
DEWAN'S OFFICE

Rd 24/5/00 (13)

May

23.5-00

RD 10 Aun
26.5.900.

From The Deputy Commissioner
Kadur District

To The Secretary to the Govt
of Mysore
General & Revenue Depts

Dated 14th May 1900

Despatched 18th

Received

General No. 741
No.

Enclosure No./

Regarding 2 acres and 4 guntas of land out of survey No 179 of Yaggihally Mudgere Taluk, forwarding copy of letter from Mr. Playfair and recommending strongly that one or other of the alternatives suggested by him viz either his Claim as buyer of the land be reconsidered or the same be again auctioned may be complied with by Govt.

Rec: 21/5/1900

Reed 22/5. 07 80 999 containing aff. 6 put up

Ack 22/5/1900.

The alternative proposal in para 5 is that it might appear advertised

Para 2 of the order was only a suggestion towards Mr Playfair & Proposal until the land entered further auction. and passed

The order is that the land should be sold "after it is proclaimed that the land will be sold free from all incumbrances". Mr Playfair is quite welcome to bid for & acquire the property at this last offer every if so requested he letter as the existing bid - I suppose this Govt proposal will meet with the wishes of Mr Playfair

Ack

01.6.00

Ack 5/6/00

Kadur District.
Deputy Commissioner's office
Camp: Koppa 14th May 1900.

From. H. E. C. Carr - Esquire
Deputy Commissioner
Kadur District.

To. The Secretary to the Government
of Mysore
General & Revenue Departments.

Sir

Adverting to Government order No. 7831-8 PF 80-99 of the 3rd May 1900 regarding the sale of 21 acres and 4 guntas of land out of Survey number 179 of the Eggikalli village in the Mudgere Taluk, I have the honor to forward herewith copy of a letter from Mr. Playfair, and to recommend strongly one or other of the alternatives suggested by him in para 5 of his letter, being complied with by Government. He has suffered through no fault whatever of his own, as it was my predecessor's duty to have satisfied himself that every thing was in order, before allowing the sale to proceed.

(2). Channappa Gowda having failed entirely to carry out the stipulations of the grant to him of the land in question, he can have no legal or moral objection to the sale being confirmed to Mr. Playfair without further formalities.

I have the honor to be,
Sir,
Your most obedient Servant.

H C Carr
Deputy Commissioner
Kadur District

evident that he has
failed to avail him-
-self of the offer made
in his favour by Govt
and he has no longer
any right for equitable
consideration on the part
of Government. His
claim for the land in
having been thus set
aside it should now
be proclaimed that the
land will be sold free
from all incumbrances.
The sale to Mr Playfair
when the land was in-
-volved in doubt and
exposed to the risk of
litigation by Channappa
gowda cannot be
confirmed.

2. If however Mr
Playfair is willing to
buy the land at the rate
offered

offered to Channappa gowda, the detailed procedure of another sale by public auction may be dispensed with, and under the peculiar circumstances of this case, the sale to Mr. Clay pair at the said rate may be confirmed.

C2 }
1.500 }.

+ Secretary.

+ to be printed in extenso in weekly Gazette.

To. The Deputy Commr. Kadur

D2 with records.

Memo of other sheets.

T93-3-
3-5-1900

Respondent's Record. }

3/5.

Press copy sent up
7/5

READ AGAIN—

Para 2 of Government Proceedings No. 6818—P. 1335, dated 26th January 1896, directing the grant of the piece of coffee land to the east of Survey No. 181, and forming part of S. No. 179 of Uggihalli village in the Mudgere taluk, to one Channappagauda of the above village, on condition of his paying the value thereof at the rate of Rs. 20-13-4, per acre, together with the arrears of assessment thereon from 1881-82, the date of first settlement.

READ—

Letter No. 39, dated 16th April 1900, from the Deputy Commissioner, Kadur district.

Adverting to Government Order No. 6818—Pet. 1355 of the 27th January 1896, sanctioning the grant of a piece of coffee land out of gomal Survey No. 179, in the Uggihalli village of the Mudgere taluk, to the claimant Channappagauda, patel of the said village, on payment of the value at Rs. 20-13-4, per acre, together with the arrears of assessment from 1881-82 after ascertaining the exact area of the piece of the land in question and directing the refund of the deposit paid by Mr. Playfair, I have the honor to state as follows:—

1. On receipt of the Government Order above adverted to, the deposit of Rs. 104-2-0 paid by Mr. Playfair was refunded to him and the exact area of the land ordered to be granted to Channappagauda was ascertained by 'Kacha' measurement to be 18 acres and one gunta in December 1896. A sum of Rs. 681-8-4, as particularised in the margin, became then due from Channappagauda under the terms of the above Government Order and the Amildar was ordered (Order No. 658 of the 7th January 1897) to notify the same to him, and to have the land formed into a separate number, after receiving the amount if Channappagauda chose to pay.

	Rs.	a.	p.
(1) Value at Rs. 20-13-4 per acre on 18 acres and 1 gunta.	375	8	4
(2) Arrears of assessment for 16 years from 1881-82 up to the end of 1896-97 at Re. 1 per acre or Rs. 18 per annum.	288	0	0
(3) Local cess on the above	18	0	0
Total ...	681	8	4

2. Accordingly on 26th January 1897, the Amildar issued a notice to Channappagauda giving him ten days' time from the date of service of the said notice on him, and stating that if he failed to pay the amount within the time allowed, he would not get the land in question. On the 5th February 1897, the notice was served on Channappagauda who endorsed on it that he had read it, and taken a copy thereof, and requested that he might be given six months' time for the payment of the amount as he was unable to pay it together with the assessment for 1896-97 which then fell due from him. The Amildar was thereupon directed (Order No. 859 of the 25th February 1897) to issue another notice giving him time, and stating that if Channappagauda failed to pay the amount, he would lose the land.

3. Accordingly, a second notice was served upon him on 21st March 1897 to which he replied that he was trying to meet the demand and requested further time. Mr. Weir, the then Deputy Commissioner, extended the time of payment till the 1st June 1897 and stated (Order No. 1143 of the 3rd May 1897) that if he did not pay then, the land would be held at the disposal of Government.

4. A 3rd notice was, on these lines, served on Channappagauda on 3rd June 1897 and he recapitulated what he had stated on former notices. Mr. Weir thereupon directed the Amildar (Order No. 8 of 2nd July 1897) on 2nd July 1897 to report if there were any applicants for the land.

5. The purport of the above order was notified to Channappagauda.

6. Again for the 4th time on 28th September 1897, Channappagauda stated in writing that on the 24th July 1897 he had, in part payment of the amount due from him, sent Rs. 100 to the Amildar, who returned it stating that it should be kept by him* (Channappagauda) pending orders. He also added that he had kept the amount with him, and requested permission to pay what he had just then, and the remainder in instalments. The shekdar reported to the Amildar that nobody was willing to apply for the land, and that Mr. Playfair, a former applicant was absent from his estate. This report of the shekdar reached the Amildar on *8th October 1897*, and no further steps appear to have been taken for upwards of 17 months, *viz.*, up to *19th March 1899*, when the Amildar sent an order to the shekdar to report if Mr. Playfair, who, he (Amildar) presumed had returned to India, wished to go in for the land in question.

*There is no evidence beyond Channappagauda's statement of this.

Petition, dated 3rd May 1900.

7. In the meanwhile, Dyvappagauda, son of Channappagauda who is not on good terms with the former, presented a petition to the Amildar on 3rd November 1899, stating that on purpose to defraud him, his father failed to pay the amount in question, and that if he was given the option of paying the same, he would pay it in two instalments within a period of six months. The Amildar informed him that if he paid at once Rs. 738-14-4 as specified in the margin the land might be given to him; in default and on others applying for it he could not get it.

		Rs.	a.	p.
1.	Value for 18 acres and 1 gunta ...	375	8	4
2.	Assessment ditto up to the end of 1899-1900.	342	0	0
3.	Local cess	21	6	0
	Total ...	738	14	4

8. On the 4th December 1899, Mr. Playfair renewed his application and remitted Rs. 45 on account of deposit for the land. After going through the records, my predecessor Mr. Venkatavaradaiengar directed the Amildar to issue a notice to Channappagauda giving him 15 days' time to pay the amount due by him, and stating that if he failed to do so, the land would be measured off into a separate number and disposed of according to coffee rules. The Amildar was also ordered that in case Channappagauda failed to pay the amount and take possession of the land, it might be sold by public auction after pakka measurement. (*Vide* Order No. 223 of the 11th December 1899.)

9. A notice was again (5th time) served upon Channappagauda on the 14th December 1899 but he failed to pay any part of the amount due. Consequently a pakka measurement of the land was made and the correct area was found to be 21 acres and 4 guntas.

10. A notice for the sale of 21 acres and 4 guntas by public auction was accordingly published. Channappagauda and his son Dyavappagauda to whom the intended sale was made known, refused to attest their signatures to the notice stating that they had an (4) appeal before Government. The sale, however, took place on the 9th March 1900 and Mr. Playfair being the only bidder, the land was knocked down to him for the upset price, *viz.*, Rs. 211. Having already paid Rs. 45 with his application, Mr. Playfair paid the remainder, *viz.*, Rs. 166 in time, and the Amildar submitted the sale records for confirmation. Mr. Playfair has in his letter of the 13th April 1900 also urged the necessity of the sale being confirmed without further delay.

11. Thus it will be seen that Channappagauda has had five notices served on him at various times during the last four years but has failed to pay up.

12. Channappagauda having failed to pay after repeated concessions of time, I would recommend that (*a*) the grant by Government to him of the land may be cancelled and (*b*) the present sale may be confirmed at once to Mr. Playfair.

13. Mr. Playfair asks that the matter may be settled with as little delay as possible and I therefore venture to mark the case "urgent" and would request Government to kindly pass their decision as early as possible.

14. The vernacular papers ending with the Amildar's No. 439 of the 27th March 1900, are herewith forwarded for reference and obliging return.

No. 7831-8—P. F. 80-99, DATED BANGALORE, 3RD MAY 1900.

ORDER THEREON—The extent of the land in question has been found to be more than what it was when offered to Channappagauda. The rate then offered was Rs. 20-13-4 per acre and the rate now realized is much less. The cause for this variation has not been explained. The result was probably due to an impression that the land is open to dispute by Channappagauda. It is, however, evident that he has failed to avail himself of the offer made in his favor by Government and he has no longer any right for equitable consideration on the part of Government. His claim for the land having been thus set aside, it should now be proclaimed that the land will be sold free from all incumbrances. The sale to Mr. Playfair when the land was involved in doubt and exposed to the risk of litigation by Channappagauda cannot be confirmed.

2. If, however, Mr. Playfair is willing to buy the land at the rate offered to Channappagauda, the detailed procedure of another sale by public auction may be dispensed with and, under the peculiar circumstances of this case, the sale to Mr. Playfair at that rate may be confirmed.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Kadur District, with records.

Exd.—H.A.R.

10th May 1900.
Angadi, Mudgere.

To.
The Deputy Commissioner
Kadur District.

Dear Sir,

I have to thank you for your letter No. 1437 of 6th May 1900 re Yeggihalli land.

In reply I have the honor to state, if I may be permitted to, that

1. I most distinctly considered I was buying land, sold at auction subject to the usual Conditions and notice, and the property of Government "without encumbrances", had I known the land had "encumbrances" I would never have applied at all.

2. The piece of land in question, I was specially written to about by the Amildar, and informed it was available - I having years ago applied for it, and I presume, he rightly Considered I was entitled to his Consideration. I withdrew my previous 'darkhast' as I was informed the land would Conditionally become the property of Chunappagauda, the Conditions never having been complied with, after 4 years I naturally expected it was Government land and had no encumbrances.

(58

to bid for and acquire the property. His last offer may if so requested be taken as the starting bid.

For Secretary

Cr

Draft
Bkn
5/6/00.

B'Fontein Mpumalanga
14.6.00

Draft for approval

3. I am unable to see, as pointed out by Government, how the price of a different piece of land bought by one Puttegauda in 1896 at 20-13-6 per acre, appraises the value of land offered to Chennappagauda and not taken advantage of in 1900.

Land in 1900 for Coffee being worth at least 50 % less than in 1896.

4. As Chennappagauda does not appear to Consider the land worth 20-13-6 per acre and he knows more about it that any one I know, why should I be asked to pay more than it fetched at public auction?

5. The season having now passed, the land is at any rate of no use to me for this 1900 year. I am sorry I am unable to pay the enormous price demanded by Government, and I request that my claim as buyer be re-Considered — or that the land be again auctioned.

6. I would point out, as verbally mentioned to you, I wanted the land for experimental purposes - I having bought largely Hybrid Coffee seed, with a view to the permanent

improvement of the Coffee industry, which has seriously deteriorated of recent years.

I regret that Government has not in any way facilitated my efforts, and in applying for the land in question I considered I was in ample time for notice, sale and confirmation and 2 or 3 months to prepare the land for the plants - had I known of the many difficulties I would have bought from a private individual - and thus saved myself loss of time, money and much anxiety. I was given to understand that I was almost the only applicant for land for Coffee this season - which would tend to shew the state of the industry and I have also been informed of at least 1000 acres being resigned - and thrown again on the hands of Government.

I am &c.

Sd/. E. M. Playfair.

Copy.

Deputy Commissioner

Kadur District.

(13)

Proceedings of the Govt of Mysore

LR 80-81-105

Read again

Govt Pro:

No 7831-8 P.F. 80-99 & 3rd May 1900:

setting aside the claim of Channappa Gauda of Hoggihalli, Mudgere Taluk, to the piece of coffee land to the east of S. No. 181 and forming part of S. No. 179 in the said village and confirming the sale to Mr. Playfair on condition of his paying at the rate of Rs 20-13-4 per acre, being the rate at which the said land was offered to Channappa Gauda.

Read:-

Letter No 741 & 14.5.00 from the Dy Comm^r, Kadur Dt, submitting copy of a letter from Mr. Playfair and recommending that either the

~~the Land~~ of the Land in question which took place on the sale ~~held on~~ 9.3.1900 of ~~the land in dispute as per~~ ~~proceedings of~~ no 179 of ~~Ugajaballi village~~ and in which Mr. Playfair ~~being~~ was the highest bidder, purchased ~~the land~~ for Rs 21/-. might be confirmed or ~~that~~ the ~~same~~ Land might be resold.

Order thereon :- 1st C. 1088 7/6/00

The ~~alternative proposal~~ alternative proposal ~~in the petition of appeal~~ in para 5 of Mr Playfair's letter is that the land may be again auctioned.

Para 2 of the order above read was only a suggestion to enable Mr. Playfair to possess himself of the land without further auction.

The order already passed is that the land should be sold "after it is proclaimed that the land will be sold free from all encumbrances". Mr. Playfair is quite welcome